City of Lafayette
Public Meeting Agenda
City Council Special Joint Meeting
Planning Commission Special Joint Meeting

MINUTES

Lafayette Community Center -- Sequoia Room **May 12, 2008**
500 St. Mary's Road, Lafayette, California **5:30 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 5:30 p.m.

2. ROLL CALL

Present: City Council: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson, Anduri and Federighi

Planning Commissioners: Chair Mark Mitchell, Jeanne Ateljevich, Will Lovitt, Bob Chastain, Dick Holt, Patricia Curtin-Tinley

Absent: None

Staff: Steven Falk, City Manager; Mala Subramanian, City Attorney; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning and Building Services Manager; Greg Wolff, Senior Planner; Joanne Robbins, City Clerk.

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Federighi) to adopt the agenda. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

4. PUBLIC COMMENTS – None

5. STAFF REPORT

A. Update and discussion on an Inclusionary Housing Ordinance, key components, economic update, questions and comments from the stakeholders, and items to include in the draft ordinance.
Recommendation: Discuss key components and direct staff to incorporate components into draft ordinance.

Senior Planner Greg Wolff gave a brief introduction of the item, stating the matter is to receive an update and request for direction on the Inclusionary Housing Ordinance. Each Council member and Planning Commissioner was each provided a packet of information which included an agenda, an executive summary and a staff report and a memorandum from the City's economic consultant.

He said the staff report outlines a brief history of the housing program beginning in 2004. The Council established a stakeholders committee to provide input into the process, and stakeholders present at the meeting introduced themselves.

Mr. Wolff said Kate Earle Funk of Keyser Marston Associates (KMA) and Diana Elrod, Housing Consultant was present and staff would seek direction from the Council and Commission as to next steps. He reported the blue sheet before the group was a summary of responses from a number of cities on what they are doing with their housing programs, given the subprime mortgage crisis and the housing downtown. The yellow sheet is a summary of key program elements from KMA's report.

Ms. Elrod discussed efforts regarding the definition of inclusionary zoning, the experience of other jurisdictions and answers questions which continue to surface on the subject. The long version of the report talks about median information of affordability restrictions and information about the subprime mortgage situation.

Ms. Elrod said she and staff met with the Council subcommittee on the issue last year and responses were formulated which are general and consistent with other material already contained in the report. The Council gave initial direction three years ago on many of the issues, staff conducted more research on them and is returning with information. When the original studies were done on inclusionary zoning and specifically the economics of it such as an in-lieu fee and how to determine how to structure it, they felt the material was outdated and Keyser Marston was asked to update the material based on the kind of current economic conditions, and Ms. Earle Funk will discuss this and some of her recommendations. Following this, they will answer as many questions as they can and provide feedback, and they then can start to develop an ordinance based on the Council's and Planning Commission's direction.

Vice Mayor Tatzin referred to a 10% inclusionary requirement, and he questioned how this was calculated. Ms. Elrod said for discussion purposes, it would be 1 in 9 units.

Kate Earle Funk, Keyser Marston Associates, said the role of the economic analysis is to inform decision-makers about choices you have in designing this program, to understand different percentages, different affordability level choices and other details. They have worked on many California cities' inclusionary programs, are firm believers that one size does not fit all and their goal is to work with the City to achieve its policy objectives and fits within the realities of the Lafayette community.

Ms. Earle Funk discussed the background of the City's work on an inclusionary program, stating the City has been applying a 15% requirement in the downtown, and systematizing what the City wants to do in moving forward. The requirements ultimately get absorbed or reflected in land prices in how developers purchase land and build developments.

She provided an overview on how they calculate the burden on the project and the in-lieu equivalent. She said the most frequent application is condominiums, they concluded that $520 a square foot is the average which increased in 2007 but currently, the community is flat. For a 1,400 square foot unit, a sales price of $770,000 that requires an income double the Contra Costa median which is currently $86,000. The State is involved in setting the income level and has kept the low and very low levels as last year.

They then look at what the affordable prices are which are formula-driven. A certain percent of income goes to housing, a homeowners association and a mortgage rate at a 10% down payment and they back into the affordable sales price. For very low, they look at something

under $100,000, low at $150,000, moderate at $327,000 and market at $770,000. They look at the gap between what it costs the developer to build the unit, sell it for and the difference. She said they believe land prices in this community have already adjusted for the fact that the City must supply affordable units.

Councilmember Federighi questioned if the land costs have gone down to adjust, as many are surprised how hard it is to purchase land affordable enough for such a development. Ms. Earle Funk said the land cost would be even higher if the City did not have a condition where the developer will be expected to do affordable units.

Vice Mayor Tatzin confirmed with Ms. Earle Funk that if the City is expecting to have units at the low level, assuming the land is taken into the equation, there will be no profit on the affordable unit. It will still cost more than it will cost to build the structure. Ms. Earle Funk said they are determining what it costs developers to build projects at an affordable level and not trying to deal with the City search that requires a site to do affordable units, and land costs are still very high.

Vice Mayor Tatzin confirmed that then this would assume that someone other than the developer would build the affordable units. Ms. Earle Funk said therefore, in this situation, in lieu fees are not sufficient which is a question that comes up and the City has a choice in what the in-lieu fees are set at. She said San Francisco's fee is set at the cost based on the unit being built somewhere else and their on-site requirement is at 15% but their off-site requirement is at 20%. She said the thrust of her analysis is to quantify the impact on the development project rather than the cost of the City to build the unit somewhere else and there is some difference.

Ms. Earle Funk said if the City had 10% of units as low income, cost per unit owed would be $415,000, costs for a market rate unit would be $41,000 and based on the square foot level, it would be $30 per square foot. For moderate levels, it would be $17,000 and if you blend 50/50, it would be $23,000. They typically recommend more moderate levels because someone may choose to develop condominiums more modest than $770,000 and a 15%-20% range would be another calculation to see if this would bring enough cause to build units off-site.

Single family detached units would be $600 per square foot, which translates to a per square foot feet of $34 to $47 per square foot. The reason the number is so large is because the affordable sales prices are the same as if they were condominiums. For fewer than 10 units, they suggest a fee and over 10, they suggest an ordinance wording that gives the Council the option to require on-site or negotiate something else. Regarding apartments, rent is based at 30% of income less utilities and the very low income three person household can afford $810/month, low income at $1,000/month and moderate at $1940. In 2007, there were some rentals at the $1,900 to $2,500 range, others that were somewhat new at $1,250, there were no granny units which is changing.

Market rents are increasing and becoming profitable again. The City's proposal is a 3/3/3 split which calculates to $30/square foot and they recommend something less than that because rentals are tough, and changes are occurring within the rental market.

Councilmember Federighi said starting at $770,000 and taking out the land, when there is the affordability gap, does this get factored in and the price gets higher, or are you assuming that the land is already adjusted, this is with that requirement.

Ms. Earle Funk said it is still selling for $770,000. They try to quantify the cost to the developer of doing the units at the various affordable levels. Since the land has already been taken out of

the equation because land prices assume you must have an affordable component, we look at the remaining costs of the impact and it is not on top of the $770,000.

Mayor Anderson said the cost is paid basically by the develop ability of the better price of the land. Ms. Earle Funk said if land values have been depressed by the program, then it is the land seller who has gotten less than if there was no program. It depends on what set of conditions the developer is purchasing the land under.

Planning Commissioner Mitchell said since 1994, the 15% requirement has been in place in the redevelopment area so anyone who bought subsequent to that will be surprised.

Planning Commissioner Lovitt said if the City charges in-lieu fees for not building on-site for a 15% inclusionary requirement, the City ends up with only 10% inclusion. Ms. Earle Funk said her calculations are based on a 10% inclusionary requirement because this is the proposal for everything outside the redevelopment area. She said what it costs the City to build affordable units is a different calculation than what has been presented and she has not run that calculation. There would also be the question of what kinds of units are proposed because most communities are not building condominiums for their affordable programs; they are doing very low rental units where there are many federal and state programs to leverage their money with. Whether the proposed fee levels would be enough to do very low units once funds are leveraged is different analysis that could be done.

Planning Commissioner Ateljevich asked if the redevelopment area includes all of the zones for multiple units, and she questioned why 10% is being proposed for apartments there. Mr. Wolff said the redevelopment area covers all commercial and multi-family zoning with the exception of the APO which is at the eastern end. There would be a 15% requirement there for all apartments. Ms. Earle Funk agreed it would be a 10% requirement outside that area and there are no apartments allowed outside that area currently.

Ms. Elrod said the 10% would include single family areas, but there could be a rezoning or a PUD which could occur and apply. She said multi-family refers to greater than 10 units which would be on or off-site, with or without a fee, and there would need to be special market analysis for a specific development as to whether it would be appropriate to have that unit on site or a fee would be used. Anything 3-9 units for single family areas would require an in-lieu fee.

Vice Mayor Tatzin questioned if other cities paid the in-lieu fees for off-site units and questioned how accessory units were viewed. Ms. Earle Funk said there is controversy as to whether granny or accessory units are allowed as affordable units, and it is a matter of policy and preference within the particular community. In meeting the affordable housing needs of the community perspective, one of the issues is that the unit is always rented, they will be used for teenagers and other members of the extended family, they are a burden on the community, and often they do not serve the intended purpose of providing an affordable rental for families.

Ms. Elrod referred to Item 2 relates to a discussion of whether or not to make the entire city 15% and it was decided and recommended by groups that 15% for redevelopment areas cannot be changed and 10% everywhere else. Vice Mayor Tatzin questioned that the only the development 10 units or more would actually be required to pay a fee, and Ms. Elrod said yes. He questioned if the recommendation is that a unit be required, and Ms. Elrod said not for single family, but if someone wants to do it, it could be done, but for under 10 units, they will pay a fee.

Councilmember André said if it is a 10-house development, he confirmed one affordable unit would be required and it may be appropriate to require that it be on site or require an in-lieu fee, and this would be negotiated with the developer.

Mayor Anderson said what this means economically has to do with the price of land, the gap created, and what kind of dollars make sense, based on a percentage, and Ms. Earle Funk said their calculations are based on a 10% and not 15%.

Vice Mayor Tatzin said the redevelopment area can bring resources that would make life more affordable more so than in the rest of the City. Also, this is an experiment for the City because once out of the redevelopment area, by and large there are single family developments, and we may have unintended consequences as a result, and this could be reviewed at some time down the road.

Planning Commissioner Lovitt questioned what the gap was for a single family home, and Ms. Earle Funk said the gaps range starting at $600,000 based on size, the levels of affordability, and they are suggesting that for projects under 10, the 3-9 range pay a fee per square foot for off-site in-lieu fee. For on-site, it would be determined on a case by case basis.

Ms. Elrod said what other jurisdictions do when they have an in-lieu fee that does not pay for the actual replacement of the unit is they use it as a subsidy. The City of San Jose levies $9,000 per unit, which is not enough to build a unit. They match those funds and use them as subsidy for other developments. Most variable income housing developed has a number of outside funding sources available to it, so a developer will come in and gather a series of subsidies including whatever the City can provide, and this is what the City is doing with redevelopment funds for the Eden Housing project. So it does not necessarily have to go in a housing fund.

Councilmember Anduri questioned how single family housing outside the redevelopment would work and he questioned how the market is set. Ms. Earle Funk said their recommendation is that the City have a per square foot fee for 9 or less. Over 10 or more units, the per square foot fee is the starting place. Then, on a case-by-case basis, you assess whether on-site is doable at all, or if it is in a location and the rest of the project seems inappropriate for whatever reason, to give the City the flexibility to allow the developer to not propose an on-site unit and negotiate something instead. The developer pays much the way they pay for an EIR for a big project, but the City selects the consultant that does the analysis.

Planning Commissioner Mitchell said for units under 10, you might assess it on a square foot basis, and he asked if there was a range of price for this. Ms. Earle Funk said they recommended a range on the chart (number 9) at $30-$40 per square foot. Obviously, the City is free to do whatever it wants. He confirmed that this is based on a sales price of $600 per square foot and did not understand how this calculation was arrived at. Ms. Earle Funk said there is the cost to develop the unit, price of sale based on the formula (such as $100,000 for very low income, $150,000 for low, etc), and it is the difference between the sales price and the affordable price, the fee for the affordable unit you may need to pay for, divided by 10 and then by square foot. The per square foot will never be perfect, but it will be easily understood and it has an equitability concept in that if one is building small units, the fee is not as large as building large units.

Mayor Anderson recognized the group was not going to get through all the information tonight, many want to address the issue and suggested continuing the subject at another joint session and asked for public comment. Ms. Elrod suggested taking comments and return with answers and more detail to any questions.

Public Comment:

LYNN HIDEN said she wanted to be convinced that this is not going to drive up every unit in the City by at least 10% or 15%.

GUY ATWOOD said there are about 400 homes outside the RDA that could be built over time. If a certain percentage of those homes were actually built, he questioned how many units could be generated from the income of the 10% either for single family or other development. He questioned if it was worth it for the City to apply this to the single family areas in the city. Also, there is also a way in which to apply the funds outside the City, and he wanted to determine if this could be done in order to receive credit.

He also questioned if this was cost effective every year, based on costs rising. He questioned why if the number comes up as $30-$40 per square foot, we would only propose a 15% requirement which is significantly less given the cost of rising land costs. He also asked that the meeting to be noticed more than 4-5 days ahead of the actual date of the meeting in order to be able to formulate questions and send correspondence.

ERLING HORN said Vice Mayor Tatzin had the idea of second units available to single family residence to be considered and he supported this, as it is possible this could be considered affordable to very low income people.

JOANNE ARCHER said there are many seniors living in Lafayette that are stuck in their homes by themselves and with second units, you are isolating people. She said Danville learned that unless housing for seniors is put within one block of the downtown, each senior loses six months of their life. They chose a site downtown, rezoned it for a 10 year period and built the senior affordable project.

PAM PAYLIFF said she is a member of the stakeholders group, believed there was a disproportionate amount of time talking about in-lieu fees and single family housing. She thought there will not be that many opportunities within single family subdivisions left for development and she asked to move forward focusing on the RDA area in development of the ordinance.

BYRNE MATHISON said she was on the stakeholders group, believed cost depends on those needing to purchase units, suggested using RDA funds to assist in the process, she referred to an article in the San Francisco Chronicle where those purchasing an affordable unit are unable to afford homeowner association fees.

Mayor Anderson thanked everyone for their comments, asked staff to schedule another meeting date where 3-4 hours could be dedicated to further discussion with earlier noticing.

Mr. Wolff said staff notified interested parties and stakeholder groups two weeks prior to the meeting, said many had anticipated the packet being sent out earlier and suggested a date be set. Councilmembers requested a polling be conducted by staff to secure a date.

B. Update on the Eastern Deer Hill General Plan and Zoning Amendments
Recommendation: Discuss and file.

Due to the time, Mayor Anderson said this item was deferred to June 9, 2008.

6. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the meeting at 7:01 p.m. to the Regular City Council meeting.

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk

City of Lafayette
Public Meeting Agenda
City Council Regular Meeting

MINUTES

Lafayette Community Center – Manzanita Room **May 12, 2008**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 7:15 p.m.

2. ROLL CALL

Present: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson, Anduri and Federighi

Absent: None

Staff: Steven Falk, City Manager; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning and Building Services Manager; Mala Subramanian, City Attorney; Christine Sinnette, Senior Planner; Donna Feehan, Administrative Analyst; Matt Luttropp, Associate Engineer; Joanne Robbins, City Clerk.

3. PLEDGE OF ALLEGIANCE – led by Mayor Anderson.

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Andersson) to adopt the agenda. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

5. REPORT FROM CLOSED SESSION

6. PUBLIC COMMENTS

MARY ANN HOISINGTON, Library Commissioner, said 4 book vending machines have been purchased by the County Library through a grant, the machines are made in France and have never been used in the United States before and were first installed in the Bay Point/Pittsburg BART Station. She said 500 books can be checked out with a library card and she invited the Council to the launch of the program at 7:00 AM at the Bay Point/Pittsburg BART station on May 29, 2008.

GUY ATWOOD said since staff reports are not available more than 5 days prior to a meeting, he asked for items proposed to be agendized be shown on the City's website reflecting that particular meeting date in order for people to be prepared for the meeting.

7. PRESENTATIONS

A. Presentation to Larry Duson, President of the Lafayette Chamber of Commerce in celebration of their 60th Anniversary
Recommendation: Receive and file.

Mayor Anderson said the Chamber of Commerce has been active for 60 years, Vice Mayor Tatzin endorsed the need for Chambers of Commerce and their contributions and said it comes down to people involved. Councilmember Federighi said it has been a pleasure to work with the Chamber, said their Board is outstanding and partnering with the City has made it what it is. Councilmember Andersson thanked the Chamber for representing the business community in the context of the City and recognized their importance.

Mayor Anderson presented a Proclamation to Larry Duson, President of the Lafayette Chamber of Commerce in celebration of their 60th Anniversary.

Larry Duson, President, said it is a great opportunity for him to return as President of the Chamber and recognized the Chamber's staff, former Chamber Presidents, Boardmembers, and its members.

B. Presentation to Ed Stokes, Diablo Foods, Inc. in celebration of their 40th Anniversary
Recommendation: Receive and file.

Mayor Anderson recognized Diablo Foods as a landmark of the City. Vice Mayor Tatzin noted the contributions the entire family of Diablo Foods makes to the community and activities, and congratulated them. Councilmember Federighi recognized their support for so many years, and Councilmember Andersson said Ed Stokes was one of the first to approach him as a new Councilmember and congratulated him on the market's success and 40th anniversary.

Mayor Anderson presented a Proclamation to Ed Stokes, Diablo Foods, Inc. in celebration of their 40th Anniversary.

Ed Stokes, Diablo Foods, said they are very appreciative of the City's Proclamation, thanked staff and Councilmembers for the Proclamation and said they love the community. Mr. Stokes' daughter Connie Collier, thanked their customers and employees, the Council for their recognition, and she spoke of their family relationship with the store, its customers and the City.

C. Recognizing Graduating Youth Commissioners Kirsten Stabler, Dexter Masland, Robert O-Keefe, Marissa McVittie and Kelsi Schoenrock
Recommendation: Receive and file.

Mayor Anderson said five Youth Commissioners were graduating, and spoke briefly about each student's work on the Youth Commission and their plans for the future.

Cake Break

The Council took a break to celebrate and thereafter, Mayor Anderson reconvened the regular meeting.

8. OLD BUSINESS

A. Mala Subramanian, City Attorney

Funding Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; Loan Agreement between the Lafayette Redevelopment Agency and the Lafayette Library and Learning Center Foundation; Use Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; and Logo License Agreement

Recommendation: Approve Funding Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; Loan Agreement between the Lafayette Redevelopment Agency and the Lafayette Library and Learning Center Foundation; Use Agreement between the City of Lafayette and the Lafayette Library and Learning Center Foundation; and Logo License Agreement.

City Attorney Mala Subramanian said there are four agreements before the Council and revisions from the last meeting are incorporated. She received additional requests for the funding agreement by Councilmember Anduri which were before the Council. The revision has to do with page 2 which would specify the timeframe when certain actions are to occur and to clarify that the payment the City would be making is an annual payment. The payment can be adjusted with each fiscal year via the CPI increase. They also made the Library Budget an assigned term; the City and the Foundation would jointly prepare the budget at least 7 months prior to the start of the fiscal year. Additional changes also clarify Section 3.2 and when the Library Payment Request will occur, which is at least six months in advance of the next fiscal year.

Mayor Anderson confirmed with the City Attorney that the Council should jointly convene the Redevelopment Agency.

Jointly Convene the City Council and Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Federighi) to convene the Redevelopment Agency. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

City Attorney Subramanian referred to the Loan Agreement and includes modifications on page 2 as to when the loan is to occur. It was initially anticipated the loan would occur on May 31st, but this is a Saturday and the date should be changed to May 15 or a day not on a weekend. A date would be added to the agreement and would require modification to Exhibit A, as well. At the end of Section 2's first sentence, it would read, "on (date chosen).

In addition, Section 3, recommendation has been made to add that "on June 30th of each year any accrued interest shall be added to the principle balance of the loan as of that date."

City Attorney Subramanian said modifications have been recommended for the Use Agreement at the last meeting under the Recital section:

> A. The Lafayette Redevelopment Agency ("Agency") is in the process of constructing a new and expanded library building in the City of Lafayette,

which library shall be known as the Lafayette Library and Learning Center ("Library"). The Library includes programs of the Glenn Seaborg Learning Consortium ("Consortium").

G. Foundation desires to operate and manage the Consortium and provide financial Library support for Library programming, hours of Library operation, maintenance, and collections pursuant to the Funding Agreement between the parties and staff.

On page 3, the following changes have been made:

2.1.6. The City shall use any and all spaces on the premises, as necessary, during an emergency or natural disaster and periodically for emergency preparedness drills.

2.1.7 The City shall have ultimate responsibility for the Library. Foundation shall recommend a pricing and room rental policy and the City Council shall consider, modify, and approve such policy. The policy shall be reviewed and updated annually by the Foundation and City Council.

2.2.2 Foundation shall be responsible for pricing, accounting, and management of room rentals of the Community Hall, the Arts and Sciences Classroom and other spaces as approved by the City consistent with the City-approved pricing and room rental policy ~~as submitted by the Foundation and annually reviewed and/or updated.~~ Foundation shall promote high utilization of the Community Hall and the Arts and Sciences Classroom. Unless requested to do so by the County, Foundation shall not be responsible for renting or controlling the use of spaces managed by County Library System staff.

She said in Section 2.2.3, the blanks need to be filled in and it has been suggested identify it as 9 months prior to the start of the fiscal year.

Section 4.1.1 has been modified to read:

4.1 Default by City

4.1.1 City shall be in default of this Agreement upon the occurrence of any one or more of the following:

(a) Failure to maintain the Library at a level required to attract patrons and events as specified in Section 2.1.1;

There has been a question raised regarding Section 4.2.1 which talks about default by the Foundation. Under subsection (a) it states Foundation is unable to manage its responsibilities under the Consortium Plan, pursuant to a modification of the Consortium Plan, for more than 8 months after the City's adoption of a modified Consortium Plan. It was pointed out that the parties have 90 days to correct any deficiencies, so technically it would be 11 months of any potential problem with the plan, or whether it should be a full total 8 months, and staff can make the modification to read 5 months.

She said staff has no comments on the Logo Agreement.

Mayor Anderson referred to the Use Agreement, and questioned if there was a recommendation from Councilmembers as to whether it should be 8 or 11 months, and Vice Mayor Tatzin confirmed it would stay for 8 months for a total of 11 months.

Regarding 2.2.3, Vice Mayor Tatzin said the idea of the library budget was gross numbers and the idea is to understand if we had enough money to keep the library open for a number of hours contemplated, and this is affected by the cost of the library operations, maintenance and the cost of the consortium plan. Having it prepared several months in advance, there would be enough time to request funding. In the case of the use agreement, this only relates to the annual consortium and what events are expected to be held, fundraising of the Foundation towards their goal, and he suggested following the same timing the City does in respects to its own budget, rather than having something 9 months in advance. He proposed, which must be considered by the Foundation, that an annual plan be provided by May 15 and shall be approved by June 15.

Councilmember Anduri confirmed that it is not intended that the Consortium has any budget implications and is working within the budget which would stay set. He said realistically the Consortium is always going to have to plan before the date if they are booking the June, July and August months, and more flexibility might be needed such as a bi-annual submission. Vice Mayor Tatzin said Ann Grodin will need to work out how much detail is provided and whether the Council under the Bylaws of the Foundation, has a non-voting member on the Board of the Foundation. He acknowledged that the meetings are public as well, but if an event is held in the second quarter, a mailer is done the end of June, they expect to have programs every other week and currently Consortium partners are lining up. He compared it to the Parks and Recreation Department; the Council does not approve what classes they will offer and he did not know if the Council should get into the business of approving programs in detail. Councilmember Anduri agreed. Mayor Anderson agreed and said this part of the process is for the Council to have some sense there is a program and not work on the details, check it on an annual basis, and he felt a May timeline is fine. He suggested using May 15 and June 15 to be included in Section 2.2.3.

City Attorney Subramanian questioned the Council's preference on the loan agreement in terms of what date we start the loan. It is proposed for May 15 because the Foundation would most likely prefer this date and Mayor Anderson confirmed this was acceptable; however, it would be "the end of day on May 15" and the Council agreed. City Attorney Subramanian confirmed the table would be slightly modified, as well.

Public Comments:

JIM CUHNA, Treasurer of the Foundation, referred to the Use Agreement and said the plan for the Consortium is to make sure there is a plan, to have some sense of what is there and programs that do not appeal to the community, and he felt it does have budgetary impacts to the extent that the programs cover themselves from a cost standpoint. He said they are comfortable with the changes made contained in the packet and agreed with the end of day on May 15 date. He said there are many models that went into the Business Plan, they will fine-tune it over time, but he felt they have something funded out to 2035.

RUTH BAILEY, past member of Friends of the Library, read a letter into the record from Linda Peterson, current President, to the City Manager dated February 4th regarding the Board's commitment of a donation to the City of $750,000, they reserve the right to designate the specific use of funds at the appropriate time, discussed the Foundation's responsibilities, loan repayment, uses of the loan amount and indicated they prefer to make their payment of $750,000 directly to the Foundation rather than to the City in order to be included in the $7.5 million loan payment to the RDA, paying the entire loan amount at one time as opposed to making solvent payments will result in the maximum amount of interest earned on the loan. Therefore, they are asking for the Council's concurrence, in writing, to pay that entire pledge directly to the Foundation rather than to the City of Lafayette.

City Manager Falk confirmed with the Council that this would not pose an issue to the City.

KATHY MERCHANT acknowledged the incredible gift from the Friends and since that time, they have donated another $300,000; $250,000 for a collection and $50,000 for operating hours. She also recognized Ann Grodin and the Foundation for their work.

Vice Mayor Tatzin said that as an officer of the Foundation, a nonprofit, tax-exempt corporation, which supports the Library, he would abstain from voting on the matter. Councilmember Federighi questioned if all documents could be approved in one motion or individually. City Attorney Subramanian said the first three agreements; Funding, Use and Logo Agreements, are entered into between the City and LLLCF, the Logo and Loan Agreements also include the Redevelopment Agency. So, she suggested making two motions for the Funding, Use and Logo Agreement and one on behalf of the Redevelopment Agency for the Logo and Loan Agreement.

ACTION: It was M/S/C (Federighi/Anduri) to approve, as amended, the Funding, Use and Logo Agreements between the City of Lafayette and the Lafayette Library and Learning Center Foundation. Vote: 4-0-0-1 (Ayes: Anderson, Andersson, Anduri, Federighi; Noes: None; Absent: None Abstained: Tatzin).

ACTION: It was M/S/C (Federighi/Anduri) to approve, as amended, the Logo License and Loan Agreements between the Lafayette Redevelopment Agency and the Lafayette Library and Learning Center Foundation. Vote: 4-0-0-1 (Ayes: Anderson, Andersson, Anduri, Federighi; Noes: None; Absent: None; Abstained: Tatzin).

Adjourn the Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Andersson) to adjourn the Redevelopment Agency. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None)..

B. Niroop Srivatsa, Planning and Building Services Manager
Updating and Upgrading the Drainage Impact Fee and Walkways Fees Recommendation: Allocate $37,500 to complete the study conducted by Seifel Consulting for FY2007/08.

Planning and Building Services Manager Srivatsa said that in January 2008, the City Council reviewed and approved the work plan for the planning division. One of the tasks

in the work plan was the study to update and upgrade the walkways fee and the drainage impact fee and staff had asked the Council to authorize the expenditure of an additional $30,000 to fund the completion of that study. The Council did not take action that evening but directed staff to return with the following information:

1. The amount of fees presently collected by the City
2. Preliminary estimates of revenues to be generated from updating the fees

Seifel Consulting has done analysis and estimates that in FY2006/07, the City collected $18,513 in drainage impact fees and was estimating a collection of $11,000 in FY 2007/08. With a fee increase, Seifel estimates that the City could collect approximately $65,000 a year. Regarding the walkways fee, the City collected $850 in FY 2006/07 and is estimating a collection of $1,150 in FY 2007/08. Seifel estimates that the City could collect approximately $33,000 a year in walkways fees. To date, the City has paid Seifel Consulting $30,000 for updating these two impact fees. An additional $37,500 is required to complete the analysis and propose new fees. The original requested amount of $30,000 was based on a balance of $7,500 remaining in the original Seifel contract of $30,000. This balance has been spent on consultations with staff and preparing the preliminary revenue estimates.

Staff recommends the Council authorize the transfer of $37,500 from the General Fund to Fund 11-410-861 to allow Seifel Consulting to complete its work to update and upgrade the drainage impact and walkways fees.

Vice Mayor Tatzin questioned and confirmed with Ms. Srivatsa the request would be under the FY 2007/08 budget and transferred from the General Fund. Councilmember Anduri confirmed the City would pay Seifel Consulting a total of $67,500.

Councilmember Federighi said she noticed there could be additional costs if the Council wants additional services or the time preparation is exceeded and confirmed with Ms. Srivatsa that a mid-point status review could be provided by staff.

Vice Mayor Tatzin questioned the end work product achieved, and Ms. Srivatsa said the City would get a new and improved drainage impact fee – these fees currently only fund the drainage study. In the future it will also be used to fund drainage capital improvements and staff estimates it will increase from 10 cents a square foot to 30 to 50 cents a square foot of impervious surface area added. The City will also get a new walkways fee. She said staff will bring an amendment to the Municipal Code through a revised ordinance which will come to the Council for public hearing. Vice Mayor Tatzin confirmed the City Attorney office will prepare the notice of fees after the study is completed.

Public Comment: None

ACTION: It was M/S/C (Tatzin/Federighi) to allocate $37,500 to complete the study conducted by Seifel Consulting for FY 2007/08, with the additional request for a mid-point review of the project by staff as requested by Councilmember Federighi. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

9. STAFF REPORTS

10. PUBLIC HEARINGS

A. Matt Luttropp, Associate Engineer

Public Hearing to Create Underground Utility Zone No. 8 Along the Entirety of Lafayette Circle

Recommendation: Adopt Resolution 2008-16 Creating Underground Utility Zone No 8.

Associate Engineer Matt Luttropp said staff is now at the point where a resolution is needed to create an Underground Utility Zone District so PG&E can move forward with starting their design work and ultimately construct the project. A public hearing was held, all business and property owners were noticed, there were no strong arguments against it, funding for the project will come nearly completely from PG&E, there is sufficient monies in Rule 28 funding to complete the project and because the City is allowed to borrow an additional 5 years into the future, there is even greater funding.

Mayor Anderson opened the public hearing.

Public Comments: None

ACTION: It was M/S/C (Tatzin/Andersson) to close the public hearing and adopt Resolution 2008-16 Creating Underground Utility Zone No 8. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

B. Donna Feehan, Administrative Analyst

1. Core Area Landscaping and Lighting District 1979-1

Recommendation: Conduct public hearing and adopt Resolution 2008-24, confirming the Diagram and Assessment for District 1979-1, the Core Area Landscape and Lighting District, for FY2008-2009.

Administrative Analyst Donna Feehan presented the Final Engineer's Report for the Core Area Landscape and Lighting District, legal advertisements were appropriately placed declaring the City Council's intention for levy and collection of assessments, and staff recommends the Council adopt Resolution 2008-24 confirming the Diagram and Assessment for District 1979-1, the Core Area Landscape and Lighting District, for FY2008-2009.

Mayor Anderson opened the public hearing.

Public Comments: None

ACTION: It was M/S/C (Tatzin/Andersson) to close the public hearing and adopt Resolution 2008-24 confirming the Diagram and Assessment for District 1979-1, the Core Area Landscape and Lighting District, for FY2008-2009. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

2. Residential Lighting District 1979-2

Recommendation: Conduct public hearing and adopt Resolution 2008-25, confirming the Diagram and Assessment for District 1979-2, the Residential Lighting District, for FY 2008-2009.

Administrative Analyst Donna Feehan presented the Final Engineer's Report for the Residential Lighting District, legal advertisements were appropriately placed declaring the City Council's intention for levy and collection of assessments, and staff recommends the Council adopt Resolution 2008-25 confirming the Diagram and Assessment for District 1979-2, the Residential Lighting District, for FY 2008-09.

Mayor Anderson opened the public hearing.

Public Comments: None

ACTION: It was M/S/C (Tatzin/Andersson) to close the public hearing and adopt Resolution 2008-25 confirming the Diagram and Assessment for District 1972-2, the Residential Lighting District, for FY 2008-09. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

D. Christine Sinnette, Senior Planner
Ordinance 564 amending Chapter 3-9, Gas Shut-Off Devices of the Lafayette Municipal Code (LMC) and requiring gas shut-off devices in existing residential, commercial, and industrial buildings.
Recommendation: Conduct first reading and public hearing on Ordinance 564 to amend Chapter 3-9, Gas Shut-Off Devices (LMC).

Senior Planner Christine Sinnette said in October 2006, the Contra Costa County Board of Supervisors amended the current gas shut-off valve regulations and adopted Ordinance No. 2006-44 requiring the installation of gas shut-off devices in existing residential, commercial, and industrial buildings prior to the sale of those buildings or when additions or alterations valued at more then $15,000 are made.

The Council has been reviewing County Ordinance No. 2006-44 and Chapter 3-9, Gas Shut-Off Devices, LMC, since April 2007. During the public hearings, issues related to necessity for gas shut-off devices and their installation prior to the sale of an existing building have been raised, and she referred to Attachment 3 - Chronology of Chapter 3-9. At the direction of the Council, these issues have been reviewed and considered by the Lafayette Emergency Preparedness Commission (EPC). The current version of Ordinance No. 564 incorporates all the recommendations of the EPC (Attachment 1).

The purpose of Ordinance No. 564 is three-fold. First, it revises Chapter 3-9, Gas Shut-Off Devices to remove adoption by reference provisions of the Contra Costa County ordinance code for regulations previously adopted by the City in 2000 and 2006.

Second, it incorporates the recommendations of the EPC by removing references to seismic gas shutoff devices, requires excess flow gas shut-off devices at each gas appliance which uses a vulnerable appliance fuel connector to connect it to a gas line, and removes the requirement that excess flow gas shut-off devices be installed when work requiring a building permit with a valuation of $5,000 involving fuel gas piping is issued and replaces it with a zero threshold.

Third, it incorporates the provision of County Ordinance No. 2006-44 reducing the threshold valuation of a building permit from $50,000 to $15,000 for additions or alterations when fuel gas piping is not involved in the work. Staff recommends that

installation of gas shut-off devices prior to close of escrow as provided in County Ordinance No. 2006-44 not be included in Ordinance No. 564.

Ms. Sinnette said as shown in material previously submitted by the Contra Costa Association of Realtors, there will only be a 60 percent implementation rate after 40 years if the close of escrow criteria is applied. It is staff's opinion that that this provision is unnecessary because Ordinance No. 564 will now require *or* that gas shut-off devices be installed whenever a building permit is issued for work involving fuel gas piping regardless of valuation. Attachment 2 contains a strikeout version of Chapter 3-9 as adopted by the City Council in 2000 and 2006 with the revisions recommended by the EPC.

She said adoption of Ordinance No. 564 would impose stricter construction standards than required by the 2007 California Building Standards Code. Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change this Code and establish more restrictive standards if the local jurisdiction finds that the changes and modifications are reasonably necessary because of local climatic, geological or topographical conditions. Attachment 4 contains the findings of need for stricter construction standards due to local climatic, geological and topographical conditions.

Councilmember Andersson said his understanding of 60% implementation rate after 40 years if the close of escrow criteria is applied, is the implication that if after 40 years, 40% of homes that had not been sold in those 40 years? Ms. Sinnette said yes, they are looking at a turnover through that period of time in sale. She said they were asked to present some data and it was presented. Regardless of whether the Council chooses to accept the data they presented, staff still feels that this might not be a necessary step for other reasons; it would be voluntary on the part of them to comply and a much more effective way is the way the ordinance is currently proposed—whenever you work on a gas fueled appliance or on over $15,000 on a house, a shut-off valve must be installed.

City Manager Falk added that several years ago, the City did a study to determine how many homes turn over each year in Lafayette and found that between 2-4% of the homes would turn over and staff was concerned about how the assessed value was going to change. This would suggest that every home would turn over at least every 50 years.

Vice Mayor Tatzin said there was also public comment that a high percentage of homes that sold that had a building permit pulled within six months to a year from the sale. Councilmember Andersson said also presented were the number of permits pulled which was substantial; although a house needing a substantial amount of work might have several permits pulled. He did not recall seeing the number of permits pulled over time, and Ms. Sinnette said this was not provided, but she has a copy of the PowerPoint presentation given at the last meeting which indicates there were 218 resale transactions in 2007, they extrapolated that over 40 years and determined there would be a 60% implementation of the ordinance.

Mayor Anderson opened the public hearing.

Public Comments: None

ACTION: It was M/S/C (Tatzin/Federighi) to close the public hearing, conduct first reading of Ordinance No. 564 and continue the hearing to June 9, 2008 for final reading and adoption on the Consent Calendar. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

11. CONSENT CALENDAR

City Manager Falk said a request has been received to remove Item 11G.

ACTION: It was M/S/C (Tatzin/Andersson) to adopt Consent Calendar Items 11A, B, C, D, E, F, H, and I. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

A. April 28, 2008 City Council Minutes
Recommendation: Approve.

B. Award Contract for the Camino Diablo Guard Rail Project No. 014-9669
Recommendation: Adopt the project plans, specifications, and project details to conform to the Uniform Construction Accounting Act and award contract to Cinray Construction Inc. in the amount of $25,754.70 for Project No. 014-9669.

C. Award Contract for the Happy Valley Road Pedestrian Path Reconstruction Project No. 014-9667
Recommendation: Adopt the project plans, specifications, and project details to conform to the Uniform Construction Accounting Act and award contract to Cinray Construction Inc. in the amount of $77,575.22 for Project No. 014-9667.

D. Federal Aid for Mt. Diablo Boulevard (Dolores Drive to First Street) Repaving Project No. 014-9666
Recommendation: Adopt Resolution 2008-19 authoring the City Manager to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto for Federal Aid Project No. 04-5405(016).

E. Federal Aid for Camino Diablo Guard Rail Project No. 014-9669
Recommendation: Adopt Resolution 2008-20 authorizing the City Manager to execute all Master Agreements, Program Supplemental Agreements, Fund Exchange Agreements, Fund Transfer Agreements and any amendments thereto for Federal Aid Project No. 04-5404(018).

F. Resolution 2008-23 Designating the City's Authorized Agents to Execute and File Documents Necessary to the Process of Seeking State or Federal Disaster Financial Assistance
Recommendation: Adopt Resolution 2008-23.

H. Removing on-street parking space adjacent to the driveway serving 3343 Mt. Diablo Boulevard (Starbucks)
Recommendation: Adopt Resolution 2008-26.

I. Agreement for Installation and Maintenance of Existing and New Landscaping between Mike and Marguerite Campione and the City of Lafayette, located at 3332 Las Huertas Road, APN 234-200-017
Recommendation: Accept agreement and authorize the Mayor to sign and City Clerk to record.

Item(s) Removed for Discussion:

G. Request for Creek Setback Exception, 3486 Springhill Court
Recommendation: Approve creek setback exception and authorize the Mayor to execute the agreement for construction within the creek setback zone.

GUY ATWOOD said their association is not opposed to the exception; however, their concern is that anything done in the creek bank area such as construction, affects everybody downstream. He said recently, an entire backyard of a home was eliminated as a result of storms. He said if residents can be assured there will be no construction or anything occurs during the entire process that affects the creek bank, they support approval; however, if not, they recommend that the City notify the downstream homeowners so they have an opportunity to comment. Secondly, what happened with the recent situation was that the applicant started construction and was doing work and they had not notified any federal or state agencies. He said the property lost 100 feet 15 years ago.

Councilmember Anduri questioned if it was the creek bed or creek bank, and Mr. Atwood said creek banks tend to erode. Councilmember Anduri questioned what notice would be given, and Ms. Merideth said standard notification of 300 feet would normally be given.

Vice Mayor Tatzin said he did not know how the City could promise that a private person working on private property might not work in the creek bank. The City could indicate they are not supposed to, but this does not mean they will not do it. He believed the request was beyond the City's ability to respond. He said he was not sure what the standard setback agreement states about noticing, and he questioned if staff recommended adding further noticing requirements to the agreement.

Mr. Atwood said the DRC said they would not approve anything built that is setback if a creek bank exception was made. He thought that might serve as an additional notification to property owners.

Mayor Anderson believed the request was to approve creek setback exception and execute the agreement for construction within the creek setback zone and he felt this could be one step in an on-going process.

CHRIS GILMAN, Architect for the project, introduced the homeowner, Ms. Elze, said the quickest answer is to show the Council the site plan and where the creek setback line is. He said they are proposing to remove the current one-story home and construct a two-story home and they have pulled it as far forward on the lot as they can. The worst point is the back corner of the existing house which is being moved 21 feet forward and they have gone through this with the City Engineer at great length. The consensus was, was that the house needed to be pulled forward as far as possible. They worked with Planning and Engineering staff as to where the house could be sited, there is an existing

backyard with a fence and the property then slopes down and all work is intended to be at the front part of the property.

Mayor Anderson confirmed with Mr. Gilman that there is a fence at the top of the bank of the creek which will stay, he confirmed the location of the creek setback line, no work is intended in the creek at all, and repairs were done to the creek 15 years ago and documented with the soils engineer. He also confirmed the work is approximately 30 feet from the fence which is at the top of the bank.

Vice Mayor Tatzin confirmed that the fence would not need to be moved and worst case, the demolition would be 20 feet from the fence and work would not be performed in the backyard. Mr. Gilman said they have not talked with any of the federal or state agencies, as no work is contemplated to be done in the creek. He said they also have one additional Design Review Committee meeting early in June.

Councilmember Anduri questioned and confirmed with Mr. Gilman that he would agree with the Council conditioning that there be no grading in the area between the back of the house and the fence.

Councilmember Anduri questioned what the City should do in the future with creek situations and questioned if expanded noticing was necessary. He asked that this be placed for discussion on a future agenda.

ACTION: It was M/S/C (Anduri/Federighi) to approve creek setback exception and authorize the Mayor to execute the agreement for construction within the creek setback zone, with the condition that after the demolition of the existing house, that there be no further grading in the area between the house and the fence. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

12. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

Vice Mayor Tatzin said at the last meeting, the Council approved to engage Mr. Tramutola for professional services related to a feasibility assessment, planning, and public information services for a November tax election. The second survey draft was received, comments were made last Thursday, but they have not yet received the second draft.

City Manager Falk said staff did receive the second draft, all changes have been addressed and the consultant is moving ahead. It would take 10-14 days to conduct the polling and staff would most likely have something for the Council at the first or second meeting in June. He confirmed with Councilmember Anduri that the deadline to place something on the ballot was the second meeting in July.

Councilmember Federighi questioned if the questions were finaled for the survey, and what the different price points and combinations of projects would be. City Manager Falk said the survey concentrates entirely on the sales tax question and utility user's tax question and does not investigate any other revenue forms. Vice Mayor Tatzin said in this case, it counts as a price points to the tax rate, such as a percentage of utility bills and a sales tax increase, and there were several options presented and also services

identified that could be funded by this, and people could respond as to whether including a certain service would make them more or less likely to approve the tax.

City Manager Falk discussed the various testing methods, at what level and type, and a lot of information will be obtained from the poll by the Council.

Councilmember Anduri said the budget workshop will be held on May 27 and he questioned what would be anticipated at the meeting of June 9. Ms. Robinson said on the 27th, staff would introduce the budget and hold a budget workshop. The formal action is going to be taken on June 9 at the Public Hearing. There may be discussion but the bulk of changes and discussion will be on May 27. City Manager Falk said the budget subcommittee would meet tomorrow to review the draft. He said the budget will be very lean, the need for new revenue will be even greater. Ms. Robinson said after the subcommittee meeting, any changes will be made and the Council will receive the draft in the packet.

B. Mayor Anderson
Mandatory Ethics Training (AB1234) and Annual Commissioners' Day scheduled for Saturday, October 25, 2008.
Recommendation: Discuss and direct staff.

City Clerk Robbins said AB 1234 could be combined with the Council's Commissioner's Breakfast; however, it could be expensive as training costs have increased. Training is available on-line for free, and she agreed to send out notices to everyone who needs to receive the training and she will report back in December if someone is tardy in fulfilling their obligation. Mayor Anderson agreed with the on-line training and the Council can identify those who have not complied.

City Clerk Robbins questioned what type of program the Council would like on Saturday, October 25th for the Council/Commissioner's Breakfast. Vice Mayor Tatzin suggested an informational discussion regarding any that may be placed item on the ballot in November.

C. Mayor Anderson and Councilmember Andersson
Summary of the May 5th ABAG meeting regarding growth and housing projections.
Recommendation: Receive and file.

Councilmember Andersson said ABAG listened at their meeting, took no notes on what they were saying, agreed with the need for them to be aware of the cities' particular constraints, but it seemed like a new idea to them, which was distressing. Mayor Anderson agreed they acknowledged the fact of why cities were having problems with the way the numbers have been handed to cities.

City Manager Falk said substantively, the purpose of the meeting was to introduce a change in ABAG and MTC's approach stimulated by the issue of climate change and global warming. They have come to believe that this represents great peril to society and they have embraced the goals of AB 32 which would require a reduction in emissions by 2020 and what would be required to achieve those reductions. Essentially, it is impossible as far as they see it. Half of emissions by citizens are through the tailpipe of vehicles and the other half are almost impossible to do much about. So, they really want

to focus on tailpipe reductions, specifically reducing the number of vehicle miles traveled by people.

He said ABAG's interest is in creating "complete communities" where you can live, work, shop, eat and play in a community without driving a long distance. And, adding that component will change how housing allocations and their formulas are developed and issued, which means Lafayette will get more housing numbers because of its community profile.

Vice Mayor Tatzin said there are a number of bills before the legislature for gas fees and greenhouse gas reductions. Mayor Anderson said the discussion was interesting, they pointed out a $50 million grant process for motivating people to move in this direction. City Manager Falk said Michael Katz made a good point; that PCA and the PDA grant award processes should be linked because in a community like Lafayette, people will need something in the downtown area to offset reduction of green areas. An ABAG planner said he believed in the Lafayette area, residents are over-served with open space, and there was utter silence in the room. Someone then said this simply represents a fundamental understanding of what Lafayette's communities values are, as they are seeking to preserve even more open space.

D. Vice Mayor Tatzin and Councilmember Federighi
Resolution 2008-22 appointing five members to the Lafayette Youth Commission.
Recommendation: Adopt Resolution 2008-22.

Vice Mayor Tatzin said they interviewed five qualified people and he suggested moving their appointment. Councilmember Federighi agreed, noted the Commission had really done the review of attendance records and they recommended those who they believed were the most interested and enthusiastic.

ACTION: It was M/S/C (Tatzin/Federighi) to adopt Resolution 2008-22 appointing five members to the Lafayette Youth Commission. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

13. WRITTEN COMMUNICATIONS

A. Letter dated April 23, 2008 from Carmen Oliver, Contra Costa Chapter of the National Association of Insurance Women's Week, requesting a proclamation recognizing May 18 through May 24th as National Association of Insurance Women Week.
Recommendation: Discuss and direct staff.

ACTION: It was M/S/C (Tatzin/Andersson) to receive and file. Vote: 5-0-0 (Ayes: Anderson, Tatzin, Andersson, Anduri, Federighi; Noes: None; Absent: None).

Councilmember Andersson said he and Parks and Recreation Director Jennifer Russell attended the services for Jake Yelner, there was an overflow crowd, his mother read a thank you speech thanking Ms. Russell for working with Jake on the sign for the Community Park. Councilmember Andersson attended the reception afterwards and on behalf of the City, thanked Ms. Yelner for her recognition of Ms. Russell.

14. ADJOURNMENT

The Council adjourned at 9:22 p.m. in memory of Senior Airman Jonathan “Jake” Antonio Vega Yelner to the next regularly scheduled meeting on Tuesday, May 27, 2008.

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk